

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CAROL LYNN BACUS,)	Civil Action No.: 4:10-CV-532
)	
Plaintiff,)	DEFENDANTS' NOTICE OF
)	REMOVAL
v.)	
)	
CREST GROUP HOME, AMERICAN)	
BAPTIST HOMES OF THE MIDWEST,)	
and LYNNE SANDEGREN,)	
individually,)	
)	
Defendants.)	

TO: The Honorable Judges of the United States District Court for the Southern District of Iowa, Central Division:

Pursuant to 28 U.S.C. § 1446(a), Defendants Crest Group Home, American Baptist Homes of the Midwest, and Lynne Sandegren hereby file this Notice of Removal of this action from the Iowa District Court for Wapello County to the United States District Court for the Southern District of Iowa, Central Division. In support of this removal, Defendants state:

1. Defendants are the named defendants in a civil action pending in the Iowa District Court for Wapello County, styled "*Carol Lynn Bacus, Plaintiffs [sic] v. Crest Group Home, American Baptist Homes of the Midwest, and Lynne Sandegren, Individually, Defendants*," Case No. LALA104518 (the "State Court Action").

2. On October 5, 2010, Plaintiff Carol Lynn Bacus filed the Petition in the State Court Action in the Iowa District Court for Wapello County. On October 14, 2010, Lynne Sandegren was served with Plaintiff's Original Notice and Petition. On October 15, 2010, Crest

Group Home and American Baptist Homes of the Midwest¹ were served with the same. This Notice of Removal is therefore timely as to all Defendants because Defendants have filed it within thirty (30) days after service of the Plaintiff's Original Notice and Petition on Defendant Sandegren. See 28 U.S.C. § 1446.

3. Pursuant to Local Rule 81(a)(1), Defendants have attached hereto copies of the Original Notice and Plaintiff's Petition and Jury Demand. These documents constitute all the process, pleadings, and orders served upon Defendants. Defendants, pursuant to Local Rule 81(a), also attach hereto a list of names of all counsel, and all other items required by the Local Rules. There are no matters pending in the State Court Action that require resolution by this Court.

4. This action involves a suit by Carol Lynn Bacus, a citizen of the state of Iowa, against her former employer, American Baptist Homes of the Midwest, a corporation organized and existing under the laws of the state of Minnesota with its principal place of business in the state of Minnesota, Crest Group Home, which is not a legal entity but is the division location where Plaintiff worked, and Lynne Sandegren, Plaintiff's former supervisor. Plaintiff alleges that Defendants discriminated against her by terminating her employment in violation of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12111 *et seq.* Plaintiff also alleges that Defendants' conduct in terminating her employment constituted disability discrimination in violation of the Iowa Civil Rights Act, Iowa Code § 216.6 (1), and that Defendant Sandegren is liable to her for the tort of intentional infliction of emotional distress.

5. This Court has jurisdiction over the subject matter of Plaintiff's ADA claim pursuant to 28 U.S.C. § 1331, because it arises under the laws of the United States. This Court

¹ The Return of Service shows Elm Crest Retirement Community as the party served. Elm Crest Retirement Community is a registered fictitious name for American Baptist Homes of the Midwest.

may exercise supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1337.

6. This action may be removed to this court pursuant to 28 U.S.C. §§ 1441. The United States District Court for the Southern District of Iowa, Central Division, is the proper venue for this case under 28 U.S.C. § 1331(b)(2) in that Plaintiff alleges that this is the judicial district in which a substantial part of the alleged events giving rise to the purported claims occurred.

7. A copy of this Notice of Removal is being served upon Plaintiff and filed concurrently with the Clerk of the Iowa District Court for Wapello County.

WHEREFORE, Defendants hereby remove the State Court Action to this Court from the Iowa District Court for Wapello County.

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2010, I presented the foregoing to the Clerk of the Court for filing and uploading into the ECF system, which will send notification of such filing to the following:

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